

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number Jason M. Rund Chapter 7 Trustee 840 Apollo Street, Suite 351 El Segundo, CA 90245 Telephone: 310-640-1200 Fax: 310-640-1200	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Russell N. Aronson,  Debtor(s).	CASE NO.:  6:09-22619 MJ

### NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: Last day to submit overbids: 11-10-2009	Time:
Location:	

Type of Sale: ☒ Public ☐ Private

Last date to file objections:

November 10, 2009

Description of Property to be Sold: Bankruptcy estate's right, title and interest, if any, in  
a Promissory Note secured by a Subordinate Mortgage as more fully set forth in  
the Notice of Motion.

Terms and Conditions of Sale: The sale will be on an "as is" and "where is" basis without  
representations, warranties or recourse subject to Bankruptcy Court approval and  
overbid. See attachment 1.

Proposed Sale Price: see Attachment 1

Overbid Procedure (If Any): See Attachment 1

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e:mail address):

Jason M. Rund, Chapter 7 Trustee

840 Apollo Street, Suite 351

El Segundo, California 90245

Telephone: 310-640-1200

Email: jrund@srlawyers.com

Date: October 26, 2009

Notice of Sale of Estate Property

January 2009

F 6004-2

F60042

ATTACHMENT 1

The Trustee has received an offer from Reginald Borgella to purchase the Promissory Note secured by a Subordinate Mortgage for a sale price of \$25,000. In order for any party to participate in the overbid procedure regarding the Promissory Note secured by a Subordinate Mortgage, the Trustee requests that the parties comply with the following provisions:

- a. Each party participating in the overbid process (not including Reginald Borgella) must deliver to the Trustee a cashier's check in the amount of \$25,000.00 payable to Jason M. Rund, Trustee. If the bidder is successful, the \$25,000.00 shall be a deposit on the purchase, but will be forfeited if the bidder does not timely close the sale. If the bidder is not successful, the \$25,000.00 will be returned to the bidder.
- b. Subject to court approval, the Trustee is recommending that minimum initial overbid amount shall be \$500.00.
- c. All overbids must be on the same terms and conditions as the offer accepted from Buyer, other than price.
- d. If any overbids are received, the Trustee will conduct an auction via telephone conference call with the original buyer and all overbidders. Thereafter, the Trustee will file a declaration summarizing the results of the sale and a proposed order approving the sale. If no overbids are received, the Trustee will file a Declaration Re: No Opposition and lodge a proposed order.

**ANY INTERESTED OVERBIDDER IS ADVISED TO CONDUCT THEIR OWN INDEPENDENT INVESTIGATION INTO THE PROMISSORY NOTE AND THE SUBORDINATE MORTGAGE AND THE TRANSFER FEES AND OTHER EXPENSES ASSOCIATED WITH THE SALE AND TRANSFER. ALL FEES AND COSTS INCLUDING, BUT NOT LIMITED TO, TRANSFER FEES, RECORDING FEES, TRANSFER TAXES AND OTHER EXPENSES ASSOCIATED WITH THE SALE AND TRANSFER OF THE PROMISSORY NOTE AND SUBORDINATE MORTGAGE SHALL BE SOLELY THE RESPONSIBILITY OF THE BUYER. ALL SALES ARE ON AN AS-IS, WHERE-IS BASIS, WITHOUT WARRANTIES, REPRESENTATIONS OR RECOURSE.**

**IN THE EVENT THAT ANY BUYER FAILS TO PERFORM, THE DEPOSIT MADE WILL BE FORFEITED. ALL SALES ARE ON AN AS-IS, WHERE-IS BASIS, WITHOUT REPRESENTATIONS, WARRANTIES OR RECOURSE.**

In re  
RUSSELL N ARONSON

Debtor(s).

CHAPTER 7

CASE NO.: 6:09-22619-MJ

**NOTE:** When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

840 Apollo Street, Suite 351, El Segundo, CA 90245

The foregoing document described **Notice of Sale of Estate Property** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On October 26, 2009 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at email address(es) indicated below:

United States Trustee (RS), [ustpreion16.rs.ecf@usdoj.gov](mailto:ustpreion16.rs.ecf@usdoj.gov)

☐ Service information continued on attached page

### II. SERVED BY U.S. MAIL:

On October 26, 2009 I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

☒ Service information continued on attached page

### III. SERVED BY PERSONAL DELIVERY:

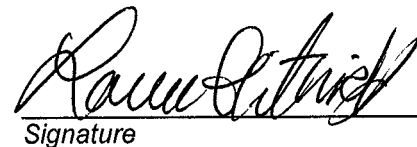
Pursuant to F.R.Civ.P.5 and/or controlling LBR, on October 26, 2009 I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

October 26, 2009  
Date

Laura Gitnick  
Type Name

  
Signature

1 Debtor  
Russell N Aronson  
2 960 5th Ave, PH  
New York, NY 10075

3 Counsel for Debtor  
4 David S. Hagen  
Law Offices of David S. Hagen  
5 16830 Ventura Blvd., Suite 500  
Encino, CA 91436

6 Chambers Copy  
7 Chambers of the Honorable Meredith A. Jury  
8 United States Bankruptcy Judge  
United States Bankruptcy Court  
9 Central District of California  
3420 Twelfth Street, Suite 345  
10 Riverside, CA 92501-3819

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28